

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kenneth Altshuler on 11/12/2008.

The application has been amended as follows:

- Claims 29-59 and 71-88 have been cancelled.

Reasons for Allowance

2. Claims 1-28 and 60-70 are allowed.

The following is an examiner's statement of reasons for allowance:

- With regard to independent claim 1, as the closest reference of record, Coffin et al (US 2002/0122271) discloses a data cartridge library comprising: a frame; a shelf system, operatively attached to said frame, for supporting at least two cartridge magazines and comprising at least one shelf; a drive that is operatively attached to said frame; a magazine transport device, operatively attached to said frame, for moving a magazine comprised of a frame structure that defines a space for accommodating a plurality of data cartridges and an opening through which a data cartridge can be inserted/removed into/from the space, and a partitioning structure that divides the space into a plurality of substantially parallel slots with each slot capable of accommodating a data cartridge, and when such a magazine is associated with the library, the magazine is oriented such that a data cartridge held within one of said plurality of slots is oriented such that the face of the data cartridge with the greatest surface area lies in a substantially vertical plane; and a cartridge transport device, operatively attached to said frame, for moving a data cartridge between a data cartridge magazine and

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said drive; wherein said magazine transport device is capable of moving a magazine to a site at which at least two of the plurality of substantially parallel slots of the magazine are exposed to said cartridge transport; wherein said cartridge transport comprises: a grasper for grasping a data cartridge and releasing a previously grasped data cartridge; and a grasper transport, located adjacent to said site, for horizontally displacing said grasper so that said grasper is able to insert/remove a data cartridge into/from each of the at least two of the plurality of substantially parallel slots of a magazine positioned at said site; **but fails to show** that the magazine comprised of an opening in the horizontal plane through which a data cartridge can be inserted/removed into/from the space in a vertical direction.

- With regard to independent claim 15, as the closest reference of record, Coffin et al (US 2002/0122271) discloses a data cartridge library comprising: a frame; a shelf system, operatively attached to said frame, for supporting at least two cartridge magazines and comprising at least one shelf; a drive that is operatively attached to said frame; a magazine transport device, operatively attached to said frame, for moving a magazine comprised of a frame structure that defines a space for accommodating a plurality of data cartridges and an opening located in a horizontal plane through which a data cartridge can be inserted/removed into/from the space in a vertical direction, and a partitioning structure that divides the space into a plurality of substantially parallel slots with each slot capable of accommodating a data cartridge, and when such a magazine is associated with the library, the magazine is oriented such that a data cartridge held within one of said plurality of slots is oriented such that the face of the data cartridge with the greatest surface area lies in a substantially vertical plane; and a cartridge transport device, operatively attached to said frame, for moving a data cartridge between a data cartridge magazine and said drive; wherein said magazine transport device is capable of moving a magazine to a site at which at least one of the plurality of substantially parallel slots of the magazine are exposed to said cartridge transport; wherein said cartridge transport comprises: a

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grasper for grasping a data cartridge and releasing a previously grasped data cartridge; and means for linearly moving at least a portion of said grasper relative to said site; **but fails to show** that the magazine comprised of an opening located in a horizontal plane through which a data cartridge can be inserted/removed into/from the space in a vertical direction, and the grasper is capable of displacing a data cartridge within a substantially vertical plane.

- With regard to independent claim 60, as the closest reference of record, Coffin et al (US 2002/0122271) discloses a data cartridge library comprising: a frame; a shelf system, operatively attached to said frame, for supporting at least two cartridge magazines and comprising at least one shelf; a drive that is operatively attached to said frame; a magazine transport device, operatively attached to said frame, for moving a magazine; and a cartridge transport, operatively attached to said frame, for moving a data cartridge between a data cartridge magazine and said drive; wherein said cartridge transport comprises: a grasper for grasping a data cartridge from one of said at least two magazines and withdrawing said data cartridge from said cartridge magazines; **but fails to show** that the grasper for grasping a data cartridge from one of said at least two magazines and withdrawing said data cartridge from said cartridge magazines in a vertical direction and releasing a previously grasped data cartridge; and means for rotating said grasper about an axis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tianjie Chen/
Primary Examiner, Art Unit 2627